

LFC Requester:	Christina Keyes
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**AGENCY BILL ANALYSIS  
2016 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

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*and*

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

Original      X   Amendment            
Correction           Substitute          

**Date** 1/30/2016

**Bill No:** SJR 2

**Sponsor:** Sen. Michael Padilla

**Agency Code:** 305

**Short Title:** PERMANENT FUNDS FOR  
CHILDHOOD EDUCATION, CA

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with:  
SJR 17

**SECTION III: NARRATIVE**

**BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

**Synopsis:**

SJR 2 proposes amending Article XII, Section 7 of the New Mexico Constitution to require an additional annual distribution from the permanent school fund of 1.5 percent of the average year-end value of the preceding 5 years of that fund. This increased distribution is only made if the year-end market values of the fund for the preceding 5 years is at least \$10,000,000,000. This additional funding is designated for "early childhood education services" administered by the state, which this resolution defines as nonsectarian services for children not yet eligible for kindergarten provided through a "school district; Indian nation, tribe or pueblo; the New Mexico school for the blind and visually impaired; or the New Mexico school for the deaf."

The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

Section 3 states that this amendment would only become effective with the consent of the United States Congress.

**SIGNIFICANT ISSUES**

Both the Enabling Act of 1910 and Article XII, Section 7 of the New Mexico Constitution prohibit use of land grant permanent funds for any sectarian or private school. Both an act of the United States Congress and an amendment to Article XII, Section 7 would be required to fund such entities. However, SJR 2 limits funding to nonsectarian public education. Further, the Enabling Act does not prescribe how funds are to be specifically allocated. Therefore, the consent of the United States Congress is unnecessary. See Attorney General Opinion No. 12-03.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Conflict with SJR 17, which would amend Article XII, Section 7 of the constitution to require an additional 1 percent fund disbursement for the increase in the minimum instructional hours and days in a school year as provided by law.

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

**AMENDMENTS**

Strike Section 3 of SJR 2.